# THE COURTS.

Throwing Guards Around William A. Virtue's Estate.

IMPORTANT DECISION BY JUDGE BARRETT.

Powers of Insurance Agents to Bind Their Principal.

WILL OF A CHARITABLE LADY.

Recently there appeared exclusively in the Henalit a report of a suit brought by the administrators of the estate of William A. Virtue to set aside deeds of property in which Helen S. Bellew, Augustus Funk, August Funk, Marie Funk and George and Michael Caffo are alleged to have an interest. In their complaint the the deeds and leases referred to were obtained from the deceased without consideration and by the exercise of undue influence over him by the defendant Helen S. Bellew especially. A temporary injunction was obtained from the Supreme Court restraining the defendants from assigning away the deeds and leases in question and also from prosecuting certain suits in other courts to enforce claims against the estate alleged to be without foundation or consideration. On a notice to show cause why this injunction should not be conbinued until the termination of the suit brought by the administrators the defendants appeared in Supreme Court. Chambers, before Judge Barrett, submitted affluavits denying the allegations of the complaint in relation to the exercise of andue influence on the part of the defendants, or any of them, in obtaining the conveyances and leases involved in the action and denying generally and specifically all the equities of the plaintiffs' case. On these ophiloting affidavities on both sides argument was heard at the last term of the court, plaintiffs insisting that the facts authorized the continuance of the temporary injunction and the defendants that it should be dissolved. Judge Barrett took the matter under consideration and yealerday residered a decision in favor of the administrators of tiqued until the termination of the suit brough continuance of the temporary injunction and the defendants that it should be dissolved, Judge Barrett took the matter under consideration and yesterday rendered a decision in layor of the administrators of the estate. In his written opinion in the case he says:—"A careful perusal of all the papers (including the deposition of Miss Beliew in the Surrogate's Court, which is far from satisfactory) leads me to the conclusion that a prima facte case is made out and that plaintiffs would have been derelict in their duty if they had not affect the bill. The mere statement of the transactions is sufficient to justify the institution of judicial inquiry. It is not a case for the summary disclutions of the nijunction upon a denial of the equities. Nor is the cause to be tried upon affidavits, but upon the examination of the parties and the witnesses. There is enough, besides what is stated upon information and belief, to warrant the continuance of the injunction in so peculiar a case until the hearing." The Judge also concludes to enjoin the defondants from prosecuting the actions which they have instituted in other courts, but makes it a condition that security be given to accure those of the defendants who here prosecuting common law actions in relation to the matters in controversy ngainst prejudice to any right they may finally be able to show they possess, and covering the full amount of their claims, with laterest and costs. He further directs that the plaintiffs in this suit, if required by defendants, shall consent to the framing of issues and the trial of the same before a jury within a stated period. Plaintiffs must also furnish a further undertaking to Miss Bellow in the sun of \$2,000 and to Mrs. Funk in the sum of \$500 to secure them against any damage they may sustain by reason of the continuance of the injunction.

HIS CLAIM REMAINS.

About a year ago some machinery was destroyed by fire in Morrisania, on which a man named Bennett had insurance with the Germania Insurance Company, of Newark, to the extent of \$1,000. He made a claim of loss by the fire to the extent of \$800, and while the company was making the usual investigation as to the origin and extent of the fire information came to them to the effect that an incendiary had been at work in the matter. The result was the conviction of arson of a young man who had been employed by Bennett and the disappearance for parts mixnown of Bennett had the disappearance for parts mixnown of Bennett had gone, his caim seems to have remained, as, soon after his departure, a suit was commenced against the company to renover \$500, by Morris Taskor, the plaintiff claiming under an assignment from Bennett. The suit was commenced in the Supreme Court, in this city, the summons being served on the general agent of the company here. Judgment was taken in default of an answer, and yesterday, in Supreme Court, Chambers, before Judge Bononne, Messrs, Brown & Rabe, counsel for the company, appeared and moved to have the judgment set aside as being irregular. The ground of this claim of irregularity was that the summons in the case had not been served on an agent of the company who, by its certificate flied in the office of the Secretary of State at Albany, had been designated as an agent on whom papers designed for the company might be served. Such designation, counsel claimed, was provided for by statute, and service on any other or unauthorized agent was void, and the judgment based on such service was void also. The motion was opposed by Mr. Lewis Johnson, counsel for the plaintiff, and Judge Donohue took the papers, reserving his decision. The foregoing state of facts are obtained from the moving papers in the case, and on the part of the company it was stated by counsel additionally that the delence would be that the premises had been set on fire. in the matter. The result was the conviction of arson

DEAD SEA FRUIT.

Mrs. Marin Hobby died in Fobruary last, leaving an state and property estimated at about \$150,600. By ser will, executed in 1864, she left several charitable and penevolent bequests. Among these was a bequest to the New York Hospital of \$3,000, to the Deaf and Dumb Asylum, Blind Asylum, Society for the Reformation of Colored Orphans, Home for the Friendless Nursery and Child's Hospital and the Women's Hospital, \$1,000 each, and \$5,000 to the Swarthmore College of Pennsylvanis. After leaving a number of bequests to relatives, servants and friends, she bequeaths the residue of her estate, amounting to about one-third, to be equally divided between the rescours, William Underhild and William H. Onderdonk and the Society of Friends, in East Friecents street. Subsequent to the date of the execution of the will, however, Mr. Underhild, the execution made in it, doe, and thereafter later in 1872 Mrs. Houby made a codicil to the will, saming Mr. Robert K. Wilets as her executor in place of Mr. Underhild, at the same it ime bequeathing to him the share of the estate intended for Mr. Underhild. Fine children of Underhild-William, Eliza and Ellen Underhild, and Caroline Light—now contest the will on the ground that the testatrix was unduly influenced by Mr. Whies to substitute him as legate in place of their deceased father. The case came on for hearing yeaterday in the Surrogate's Gourt. The parties to the suit were present, and after the subscribing witnesses to the will and coatch had proved the execution of the stand. He was examined by counsel for the contestants, and testined that the memorands on which the codicil was framed and been dictated to him by the testarity of her own free will, while in apparently sound mind. The further hearing in the case was adjourned. The deceased, Mrs. Houby, was a sister of the late Dr. Valentine Mott. of Pennsylvania. After leaving a number of bequests

Property owners whom it may concern will be insted to know that the confirmation of the reports in several street opening cases, which was to have taken place in Supreme Court, Chambers, before Judge Donohue, yesterday, has been adjourned over. The Donohue, yesterday, has been adjourned over. The reports are those for the opening of 150th street, from Kingabridge road to Eleventh avenue; 157th street, from the public drive to Eleventh avenue, 158th street, from Kingabridge road to Eleventh avenue, and 159th street, from the public drive to Eleventh avenue, all of which have been adjourned over to the lith inst. Also the opening of 140th street, from Eighth avenue to the Hariem River, which has been adjourned to the 18th inst.

ISABELLA AND THE CHAIR

The Adjustable Folding Chair Company vs. Marks. In the case of the Bank of Havana vs. Magee (20 N. Y. .R., p. 355) the Court of Appeals held that the prosecution of a suit by an indwidual banker in a name im porting a corporate character under which he carried on business was merely a formal error, amendable in the courts of original jurisdiction, and to be disregarded by the Appellate Court, Judge Denie in that case the duty of the Court when the objections were taken was to order the pleadings to be amended. It was authorized not only to correct a mistake in the name of a party, but in any other respect, and the amendment which the case called for would fall within other branch of that provision -1. a., section 175 of the Code. I have no doubt, after perusing the voluminous papers read upon this motion, as to may power to authorize the substitution of the name of isabelia Wallace as plaintiff for the Adjustable, &c., Company. It is quite apparent that the defendants knew that laabelia Wallace and the Adjustable, &c., Company were the same. Their arrangements were made with her alone, and they knew when they entered upon the business of selling the chairs that they received the mane from Isabelia Wallace. The coursel for the defendants suggest that to allow this amendment will viitate the uncertaking given upon the granting of the order of arrest. I think that this objection can be obviated by requiring the sureties the executed the original undertaking to supulse that is a condition of granting the amendment the original undertaking shall stand as if executed in the case of Wallace against these defendants, and as if so executed, or by requiring a new undertaking to be name of a party, but in any other respect, and the ginal undertaking shall stand as if executed in the se of Waliace against these defendants, and as if so scuted, or by requiring a new undertaking to be cuted on the part of the plaintiff nunc pro tune. linger vs. Gardner, 12 How. 381; Beach vs. South-th, 6 Harb., 173.) On the morital am of the opin-

ion that the order of arrest ought not to be discharged. The motion for leave to amond the summons and order is greated on the authority of the case of the Bank of Bavana vs. Magee, supra, on the conditions above specified and on payment of \$10 costs to the defoudants, and the motion to vacate the order of arrest is denied, with \$10 costs to the plaintiffs.

SUMMART OF LAW CASES. John J. Neville has brought a suit against the Third Avenue Railroad Company to recover damages for being ejected from one of defendants' cars, and yesterday obtained from Chief Justice Daly an order to examine Jane Stagg before trial.

city, died lately in St. Augustine, Fla., leaving an estate valued at about \$500,000. By his will, made in Baltimore on the 1st of March last, he left \$1,000 to be divided among the poor Cuban ladies of that city and

the residue of his estate to his irrinciate relatives and friends. The will was yesterday offered for probate in the surrogate's Court in this city.

The United States Grand Jury are still engaged in their investigations into the cause of the recent accident at the Post Office Building. They will come into court on Tuesday next to present the result of their labors on the criminal cases submitted to them for the April term. They will probably at the same time make some presentment in regard to the late disaster, and upon whom, in their opinion, the responsibility rests therefor.

make some presentment in regard to the late disaster, and upon whom, in their opinion, the responsibility rests therefor.

The Compton lunacy matter was again up before Chief Justice Daly, in the Court of Common Pleas, yesterday. Certificates made by Drs. Corey and Stiles, physicians selected by the Messrs. Wightman, were read to the effect that Mrs. Compton is still of unsound mind and incapable of the management of her property or person. After hearing counsel on both sides the Judge granted an order vacating the order of reference heretofore made to Mr. Clark Bell and enjoining the Messrs. Wightman from taking any jurther proceedings in the matter.

In Maring Court, Chambers, yesterday, a motion was made by Mr. Charles Wehle to dismiss the complaint in the case of Kernbach against Koenler, on the ground that the plantiff did not comply with a certain order heretofore made by Judge Sheridan, of the same court. Mr. H. G. Kracht, counsel for the defendant argued, in opposition, that inasmuch as the order heretofore made by Judge Sheridan had not been entered by the defendant there was no order to be complied with until it was entered, and that if Judge Sheridan had declined to ester an order as submitted by the defendant the latter should have presented a proper order to the Justice on rotice, and counsel for defendant would have been relieved of his trouble in endeavoring to procure the entry of the order. Judge Shmitt teek the papers, reserving his decision on the motion.

In the suits of The People vs. The Twenty-third

Sinnott took the papers, reserving his decision on the motion.

In the suits of The People vs. The Twenty-third Street Railroad, and The Biecker Street Railroad, Company vs. The Msyor, the particulars of which have already appeared in the Bienand, a motion was made on behalf of the people before Judge Dononue, in Supreme Court, Chambers, yesterday, for a commission to exataine, in the city of Philadelphia, the contractor for the construction and completion of the Fourteenth street road. The claim on behalf of the people is that the road is being completed without authority of law, and that the evidence of the contractor is necessary to show that fact. Decision was reserved.

DECISIONS.

SUPREME COURT-CHAMBERS.

Gresel vs. Rubsam; Pinckney vs. Kennedy; matter of Dugre; Mutual Lie Insurance Company vs. Frachtmucht.—Granted.
In the matter of Reuter; De Lavalette vs. Windt; Purdy vs. Conner.—Motions denied, Morris vs. Dorsey.—Denied. Memorandum.
Ammidown vs. Goedecks.—Motion denied, without costs.

Costs.

McVey vs. Cantrell; Taddoken vs. Cantrell; matter of Murphy.—Memorandums.

People State of New York vs. The Mason Manufacturing Company.—Order as settled.

By Judge Brady.

Contastablos vs. Bevans.—Order granted.

By Presiding Judge Davis.

Bates vs. Cunningham.—Order granted.

By Judge Garrett.

Lord, Jr., &c., vs. Fink.—Opinion.

Bryan vs. Paoli Belt Company.—Motion denied, without costs.

out costs.

Bryan vs. Paoli Belt Company.—Motion denied, with \$10 costs.

Bryan vs. Paoli Belt Company.—This decision was

Bryan vs. Paoli Belt Company.—This decision was correct and must stand.

In the matter of Davis to vacate assessment.—This was not a case of repaving within the meaning of the act of 1874. It was the paving for the first time of what was pratically a new street, the resetting of the old pavement being but a necessary incident thereto. But even if it were a repavement within the meaning of that word as used in the act the motion to vacate the assessment should still be denied. There was a substantial it not a ineral compliance with the law as to the required petition of property owners, which petition was signed by the applicant binself. Then, as to the contract being given our without public bidding, it was "otherwise ordered by a vote of three-fourths of the members elected to the Common Council." That is, discretion was vested in the Commissioner. There being no substantial irregularity and no Iraud having been proved the motion must be denied.

By Judge Lawrence.

Steitz va Green; Moran va Watkins.—Orders granted.

Cumming vs. New York Cement Company and

Comming vs. New York Cement Company and

Signated.

Stream: Now York Camont Company and others.—Momeroration for counsel.

Herstad vs. Torsey, &c.—The motion for an injunction is granted; the motion for the appointment of a receiver is denied.

McCucley is denied.

McCucley is allowed.—The report of the reference that the report may be submitted.

Copping vs. Copping.—The received on the motion to confirm the report of the reference in this case, which is very doubtful, the provisions of chapter 133 of the Laws of 1809, sectional and 2, have not been compiled with, as connect with the company; Bryan vs. Same.—Motion to remove receiver herectoires aprointed is denied, with costs of motion. I do not feel inclined at present to direct the sale of any of the property of the been sold such in the report vertebrated and are therefore not properly defendants in the action, upon the trial of the cause the spiroprate judgment can be rendered and the register of the desiendants precise the content of the receiver appointed is denied to the Court.

Brown and others vs. Townsond Savings Bank.—The motion to vacate the attachment is denied for these contents of the receiver appointed is denied to the Court.

Brown and others vs. Townsond Savings Bank.—The motion to vacate the attachment is denied for the court of the receiver appointed by the courts of Connecticut made no claim to the property of a portion thereof, as they have been duly savved I have been made detendants. Third—The plaintiff property of the original property of the plantiff of court will not, on a motion and upon affidavits, pass upon the merits of the case.

Losee vs. Norioix and Petersburg than as receiver, nor as to the terms or conditions upon which the consolidation was muse, and that the order for Mr. Per-kins examination to proceed. Ware it is negarity and upon affidavits, pass upon the merits of the case.

Losee vs. Norioix and Petersburg there are received and the property of a portion the property of which has been confident to the case stands the examination to proceed. Ware it is negar

SUPREME COURT-SPECIAL TERM. By Judge Van Vorst.
Lynes, &c., vs. Brander, Jr., and others.--Judgment
for plaintiff. See memorandum.

SUPERIOR COURT-SPECIAL TERM.

By Judgo Sanford
Loe et al. vs. Heariques; Lester vs. New York
Enamel Paint Company; Roussell vs. The St. Nicholas
Insurance Company et al.—Motions denied, with \$10

Insurance Company costs.

Sturgis vs. Foran et al.—Motion to continue injunction pendente life denied, with \$10 costs.

Bensel et al. vs. Gray.—Case and exceptions settled and ordered on file.

Basset vs. Henriques.—Motion granted.

Cangi vs. Conner, &c.—Case settled; fourth amend-

Beyer of al. va. Rettig.—Order granted and undertak-Roussell vs. St. Nicholas Insurance Company. -- Or-

Roussell vs. St. Nicholas Insurance Company.—Or-der denying motion for a new trial.

Arnam vs. Conner.—Under the rule laid down in Hayne vs. Robertson (3s New York Superior Court, 59) but one bill of coats can be taxed in favor of de-fendants; a retaxation is therefore ordered of a single Smith vs. Cantrell.—Motion denied as far as order directing discharge of hen is concerned. (Memoran-

MARINE COURT-CHAMBERS.

By Judge Sinnett.
Murray vs. Lutby.—Motion for resettlement of order Curry vs. Fariey.-Motion granted, stay vacated: Anderson vs. Darey; Corner vs. Smith. -- Motions

Andorson vs. Nathan.—Motion to vacate order of ar-rest denied, but cause set down for trial. Keeler vs. Griswold.—Judgment for plaintiff. The New York Lithographing and Engraving Com-

The New York Lithographing and Engraving Com-pany vs. Hyde.—Attachment vacated.

Forsit vs. Weisman; Eozei vs. Eggleston; The Market National Bank vs. Tracy; Myers vs. Bunman; Addrews vs. Andrews; Eochrardt vs. Sedgwck; Posticy vs. Heris; O'Conneil vs. Eadger; Reilly vs. Camp; Baker vs. Sageman; Gilroy vs. Saner; Hop-kins vs. Fisher; Wooffulf vs. Sprague; Maithy vs. Coffey; Palmer vs. Beatty; Fisher vs. Houben; Gillett vs. Lamann; Eppler vs. Buch; Smith vs. Rapelyes.— Orders granted.

GENERAL SESSIONS-PART 2. Before Judge Gildersleeve.

PLEAS AND SENTENCES. Edward J. Lynch, of No. 200 East Twenty-eighth street, entered the rooms of Patrick McNamara, No.

150 East Twenty-sixth street, on the 28th of April, and latele two rolls of carpet, which were subsequently found in his possession. He pleaded guilty and was sent to the State Prison for two years and six months. Thomas Lappin and Hugh Bertyman broke into the office of Thomas Meagher, No. 232 West Thirty-second street, and carried off some gas fixures. They pleaded guilty and were sent to the State Prison each for the term of eighteen months.

BROOKLYN DIVORCE SUITS. Suit has been commenced in the Brooklyn City Court, before Judge Neilson, by Rachel Adami, of No. 84 Leonard street, E. D., against John Adami, her husband, for absolute divorce. The defendant is a inal conduct on the part of the defendant, and

inal conduct on the part of the defendant, and several pupils are montioned as particips criminis. In the Supreme Court, Kings county, Emma Whippenhorst recently began suit for a limited divorce against Charies A. Whippenhorst, on the ground of alloged incompatibility of temper. Yesterday counsel for plaintiff filed a discontinuance of the action with the County Clerk.

Application was made in the Supreme Court, before Justice Gilbert, yesterday, for confirmation of the report of the referce in the case of Elizabeth Flossman against Charles R. Flossman for absolute divorce, on the ground of adultery. The report was in favor of the plaintiff. The parties, who are respectably connected, reside in South Brooklya. Decision reserved. H. D. Birdzall was appointed referee by the Brooklyn Chy Court, yesterday, in the action for limited divorce brought by Catterine Karcher against Frederick Karcher. The parties, who were married in 1853, have had ten children, four of whom are iving. The complainant alleges that since 1869 the defendant's conduct toward her has been uniformly brutal. The case will be argued on Saturday next.

William Johnson pleaded guilty to passing counter est money, yesterday, before Justice Benedict, of the United States Circuit Court, in Brooklyn, and was remanded for sentence.

Charles Smith also pleaded guilty to passing counterfest fifty cent pieces, before the same Justice, and was fort fifty cent pieces, before the same Justice, and was sentenced to de nard labor in the Kings County Pententiary for three years and to pay a fine of \$1. Henry A. Bertone was sentenced to the Pententary for une months and to pay a fine of \$100 for having unstamped eights in his possession.

John M. Broint, arrested for a similar offence, was gent to the Pententiary for the same period.

George Williams pleaded not guilty to the charge of passing counterfest firty cent pieces and was remained for trial until the first Wednesday in June.

### IS IT A CONSPIRACY?

Edward Perry Valentine was before Justice Semler. in Brooklyn, yesterday, to answer to the charge of having shot William Larkin in the leg on the night of Now Year's day. Valentine, who is very respectably the complaint of his two sisters-in-law, Mary and Annie Mace, both young girls, who charged him with Annie Mace, both young girls, who charged him with assaulting them in an indecent manner. Valentine's mother-in-law cogineered the prosecution against him, and he was finally indicted by the Grand Jury. By the interference of his father he was liberated from jail on bail. It is stated that Mrs. Mace became very angry when she heard of Valentine's discharge, and endeavored to have him arrested on another complaint, but failed. The police had not heard of the shooting affray until Larkin entered his complaint on Thursday last. When asked why he had not reported it he said that after he was shot he wout to the hospital in Bushwick avenue and had been there ever since. Valentine's friends allege that the night the shooting occurred Larkin attempted to grab Valentine's watch and chain. The latter, thusking Larkin intended stealing it, drew his revolver, not to shoot, but to frighten Larkin. White Valentine had the revolver pointed downward it accidentally went off and the builet entered Larkin's leg. The injured man says he does not know Mrs. Mace, but it is alleged ne has been in her house. Mr. Valentine, Sr., states that he will be able to prove that a vile conspiracy has been made against his soo.

CAUGHT ON THE FLY.

CAUGHT ON THE FLY.

Frederick Philp, or No. 863 Eighth avenue, in his father's absence yesterday, had occasion to go up stairs. As he reached the second floor a man, with some bundles under his arm, rushed past. Philp pursued the leliow along Fifty first street, Officer Howitt, of the Twenty-second precinct, joining in the chase The man ran up Tenth avenue and hid in a cellar in the house No. 752 Tenth avenue, between Fitty-first and Flity-second streets. There were a number of barrels in the cellar, and, as the officer followed, he could see nothing but the man's hand, which held a revolver. He shouted to the chap to drop his arm or he would fire. This the fellow did and he was arrested. The revolver was found to be loaded in each of its chambers. On the person of the prisoner were found skeleton keys and a pair of pants. He was arraigned at the Fifty-seventh Street Court yesterday charged with having stolen \$20 worth of goods. He acknowledged taking one pair of pants, but denied all the other charges. He said he was a native of Germany and at present was living in Grand street. He was held in \$1,500. the house No. 752 Tenth avenue, between Fifty-first

## PUBLIC SCHOOL JURISDICTION.

The petition to the Legislature asking it "to maintain the Board of Education and the schools under its jurisdiction independent of the city departments, and to exempt them from the operation of the proposed charter," has met with great favor from all classes of our citizens. Although the petitions have been in circulation but two days about five thousand names have culation but two days about five thousand names have been airready affixed. Among these are the names of Dr. Chapin, James W. Beekman, Frederick de Peyster, Moses Taylor, John J. Cisco, Peter Cooper, ex-Mayor George Optiyke, Shoriff Bernard Keilly, ex-Mayor S. B. H. Vance, Franklin Alien, Postmaster James, Hon. William E. Douge, Professor Charles Parace, H. H. Chalin, Dr. Adolph Huebsch, Rev. Samuel Weisch, Charles Biauveit, Lewis Silvester, Eliot F. Shepard, ex-Aderman Wade and many more of our largest taxpayers. The Hon, John Jay has written a letter giving his hearty approval and regretting that non-residence prevents him from signing.

## PLAYING POLICEMAN.

An ex-policeman, Patrick Murphy, engaged in the weiss beer establishment of Juius Wiesner, of No. 126 Mulberry street, claims that his employer owes him money. On the 3d of May Murphy met Wiesner walk ing in third ayende, near Twentieth street, and, waiking up to the latter, represented himself to be a policeman, and threatened to arrest Wiesner. He caught hold of Wiesner's coat, shook that gentleman and demanded "the \$3 owing him." Wiesner called of Officer O'Nent, of the Eighteenth procent, and Murphy was arrested and at the Fifty-seventh Street Court held in \$300 to apswer. ing in Third avenue, near Twentieth street, and, waik-

## BROOKLYN'S EXCISE MUDDLE.

At a special meeting of the Kings County Board of olice and Excue, held yesterday alternoon, it was resolved to issue licenses to such persons as may apply for the same to keep an inn, tavern or hotel, provided for the same to keep an inu, tavorn or hotel, provided that all statutory requirements for the accommodation of travellers are compiled with. Within the past ten days over five hundred applications have been received by the Board, but of these only ten illegases have been issued for ale and beer and storekeepers' hopeses. The loss of revenue to the city by reason of the present deadlock in the interprotation of the law amounts to several thousand dollars. Licenses which have expired have not been renewed, nor have the holders of the old licenses been interfered with.

BALLOONING OVER THE SEA. ANOTHER AERONAUT PROPOSES TO CROSS THE

ATLANTIC IN AN AIR SHIP.

A meeting of aeronauts is announced to be held in Philadelphia in July for the purpose of discussing the feasibility of crossing the Atlantic by balloon, and other matters of lesser public interest connected with their craft. Should this meeting take place it will probably result—judging from similar affairs in the past—in an immense amount of talk and the presentation of an im-mense aumber of plans and suggestions of a more or less impracticable nature, and that is ail. Mr. Charles H. Grimley, a plucky young seronaut of this city, who has made more than a score of successful ascensions, writes a letter to the Herald on this matter, in which

will defray the expenses of the attempt. He says:-"As so much has been said and written upon this subject of late, and little or no action has been taken, will you allow me to state through the Herand that if any spirited gentleman will furnish sufficient money to build and equip a suitable balloon, I will, on condition

spirited gentleman will turning sunction money to build and equip a suitable balloon, I will, on condition that I have the sole management, at once undertake the experiment, and decide the question as so whether a balloon voyage across the Atlante Ocean to Europe can or cannot be accomplished."

Mr. Grimley was yeaterday visited at his home in Third avonue by a reporter, who wished to learn how he proposed to attempt the passage in case the money should be furnished. The balloonist was found at work in an apartment, the wails of which were covered with pictures of all sorts of contrivances for sailing the air. He is a schort, well built, dark complexioned, active and intelligent Englishman of thirty years, and is an enthusiast in his profession. The reporter inquired whether he had any new machine with which he proposed to make the ocean passage. "No," was the reply; "I think there can be little improvement made upon our present balloons. I should simply build one with a capacity of 150,000 cubic feet of gas. This should be entirely of sits, and I would make it with my own hands, so that I should have every confidence in it. There is no doubt that there exists a strong and steady easterly current across the ocean, and the only thing necessary to cross is to find a balloon which will stay up long enough to reach the other side. The passage would not, I am sure, require more than four days."

passage would not, I am sure, require more than lour days."

Not too Bio A Balloon.

"Would not a balloon of 150,000 toet capacity be rather smail?" asked the reporter; "you know the Graphic, in which poor Donaidson was to cross, had a capacity of 600,000 feet."

"That was the great fault of the balloon you refer to," said Mr. Grimley. "It was altogother too big. It could never nave kept up long enough to cross the ocean. You see the larger the bag is the greater is the escape of gas and the more ballast you are obliged to throw over. When the sun's rays heat the gas at noonday it expands and escapes at the neck and in other ways. Then at night the temperature lais perhaps twenty-lave degrees, the gas contracts and twenty pounds of ballast have to be thrown out. Or course the changes of temperature effect the smailer balloon also, but not to a proportionate extent. If we could have night continuously for 100 hours the crossing of the ocean would be no feat at all, for the balloon would be in an even temperature and the loss of gas and ballast would be very simall."

Mr. Gremley extremed the confidence that he could

in an even temperature and the loss of gas and baliast would be very small."

Mr. Grimley expressed his confidence that he could reach Europe in lour days if some one would lurnish the means. He has had a good deal of experience in aerostation. He came to this country seven years ago from Worcester, England, where he had been for a long time the assistant of a gentleman named Simmons, who owned several balloons and made ancensions for pastime only. After his arrival here he orgaged in business, but his health failed and he turned to his old pursuit again. On July 4, 1875, he made an ascension at Port Jervis, in this State. In the following September he ascended from Schutzen Park, and from thence went to Monongahela City, from which place he made a successful ascension, but was nearly frozen to death, so cold was the weather, although he was up but two hours and travelled only fifty miles. Going to Pitiaburg in October of the same year he was ongaged by the authorities in charge of the Exposition tuero and made five very successful trips. On one occasion Mr. uriming travelled 150 miles in three and one-half hours.

ARMY AND NAVY CLUB ELECTION.

### ARMY AND NAVY CLUB ELECTION.

The result of the recent election for officers and Board of Managers of the Army and Navy Club, has been made public, and is as follows:-President, General Lioyd Aspinwall; Vice President, General Henry E. Davies, Jr.; Secretary, Colonel Charles Treichel; Treasurer, Colonel Kent. House Commit-tee-General M. J. McMahon, Colonel Gebhard and Major John Wharton. Board of Managers—General Aspinwall, General Davies, General George H. Sharpe, General James McQuade, General M. J. McMahon, General Kerron, General Jashua T. Owen, Colonel Charles Treichel, Major Wharton, Colonel Gebiard, Colonel Kent, General K. Koox, General Anson G. McCook, Colonel H. C. Lockwood and William R. Carrison.

Acrison. Colone: In the Policy of the City of the City

Noticing your remarks under the head of "Hydro-phobia Remedy," I luclose a copy of the celebrated Philadelphia forty years ago by Dr. Goodman, in whose family the remedy remained a secret for many years, and I request that in the interest of humanity you will give it the world-wide circulation of the Heralin, Yours Iruly.

Yours truly,

THE CURE.

A dose for a horse or a cow should be about four times as groat as for a person. It is not too tate to give the medicine any time teefore the spasms come on. The first dose for a person is one and one-half ounces of elecampane root, bruised, put in a half-opint of milk, reduced to one-half by boiling, then taken all at one dose in the morning, fa-ting until afternoon, or at least a very light diet after several hours have elapsed. The second dose the same as the first, except take two onness of the root; third dose same as the last, to be taken every other day. Three doses are all that is needed, and there need be no fear.

This I know from my own experience, and I know of a number of other cases where it has been entirely successful. This is no guess work. These persons that I allude to were bitten by their own rabid dogs, that had been bitten by rabid dogs and were penned up to see if they wound go mad; they did go mad, and did bit the persons. This remely has been in use in and about Philadeiphia for forty years or longer, with great success, and is known as the floodman remedy. I am acquainted with a physician who told me that he knows of its use for more than thirty years, but never knew a case that falled where it was properly administered. Among other cases he mentioned was one where a number of cows had been bitten by a mad dog; to halt the number they administered this remedy, to the other half not; the latter all died with hydrophobia, while those that took the elecampane and milk showed no signs of the disease.

## A BISHOP SUSPECTED.

A young man named Isaac Bishop, until recently employed in Brown's soap factory, No. 185 First avenue, as a clerk, was yesterday arrangued at the Fifty. seventh Street Court, charged by Delaplatne Brown with having on the 11th of November last received \$28 from H. Hahn, of No. 766 Eleventh avenue, for Messre, Brown, and falled to return the money. Examination, it is alleged, proves that Bishop has been guilty of like offences before, and that he has altogether taken \$487 of his employer's money. Henry Hahn made affidavit that he had paid Bishop \$28 in payment of money owing the firm. Bishop was bailed for examination.

## MRS. LEAVITT INDICTED.

Mrs. Adelaide Leavitt, of No. 862 Second avenue, on the 15th of March last, preferred charges against the ltev. Dominick McCaffrey, pastor of the Episcopal minth street, accusing him of attempting to commit an indecent assault upon her. After a series of examina-tions Rev. Mr. McCaffrey was held by the Police Magistions feet. Mr. McCashey was held by the Folice Magis-trate, but the Grann Jury subsequently dismissed the complaint against him. The reverend gentleman retainisted and brought a charge of perjury against Mrs. Leavitt, who was arrested by Detectives O'Conner and Fields, of the District Attorney's office. She was held yesterday in the sum of \$1,000 to await trial.

## SEEKING HER DEATH

From pier 52 a young woman vesterday morning plunged into the North River and was being carried away by the current when Officer O'Connell, of the Western Steamboat squad leaped into the water and with considerable difficulty succeeded in rescuing her. The girl seemed determined upon giving over life and The girl seemed determined upon giving over life and apparently regretted the officer's timely assistance. At the station house she explained the cause of her suitedal attempt. Her name was Motine Morton, she said, and added that sace had no home. The old story of seduction, betrayni and disgrace was hers, and she spoke bitterly of the young man who had been the cause of her misfortunes, but persistently refused to give his name, or to give any inkling as to her past resistence or associations. She was attended by Dr. Ensign and removed to the New York Hospital.

## THE FATAL DRAUGHT.

An inquest was held yesterday at the Twenty-ninth precinct station house on the body of Rosa Wess, the domestic who died from the effects of a draught of a liquid containing among other ingredients some cyanide of potassium, which was given hor by mistake. A man named John Leggett, employed to clean windows, discovered what he supposed to be a bottle of claret, but which was in reality a mixture for cleaning silverware, and had poured out a glass of it to drink, when the deceased happened to pass, and at his invitation drank off a portion of the supposed wipe. At the time of the occurrence Coroner-Woltman committed Loggett, and held Henry Corbit,

the butler, in \$500 to appear at the inquest, at the same time rebuking him for having exposed a bottle containing so deadly a mixture where it could readily produce mischief. After the evidence was heard the lury rendered a verdict of death by accidental poisoning, and consured Carbit for his carelessness in leaving the bottle where it could be easily mistaken and used with so fatal effect.

THE ROMAN BAR.

LECTURE BY MR. ISAAC VAN WINKLE AT

COLUMBIA COLLEGE LAW SCHOOL Mr. Isaac Van Winkle, counsellor-at-law, gave a very interesting lecture last night at Columbia College Law School on "The Roman Bar." The members of the Bench and Bar of New York State and New Jersey had been invited to the lecture. A large number of were present, as also many students from the law

Among the Romans, said the lecturer, the place for the administration of justice was the forum; the judge was called practor. The classical period of the Roman civil process extended to the reign of the Emperor Diocletian. Under the laws of the twelve tables regular forms of procedure had been established. The first pleaders who appeared at the Roman Bar were not jurisconsults, but the patrons of the common people, But when business transactions became more frequent and the science of the law more difficult and compit-

But when business transactions became more frequent and the science of the law more difficult and compilcated there were a class of men who began to apply themselves to the study of jurisprudence. The limitation in the length of oral pleadings in the time of Cicero was left to the discretion of the judge. In criminal cases the time was fixed according to the Pompeian rule—the accused having more time than the accuser in the proportion of nine to six. In this measurement of time the clepsydra, or water clock, was used.

In many cases several counsel were employed on one side, but the custom was not approved of by Cicero. If the accused had no advocate the judges appointed one for him. Under the Republic advocates received very large fees. Claudius and Cicero were charged with having exacted exorbitant fees. Cleero received from Publius Seylla, then under impeachment, 1,000,000 sesterces, or about \$40,000, with which he purchased a house, received under the diaguise of a loan. Cicero boasts in his seconit philippic that he received upward of \$00,000 from legacies left him by his friends, and yet he borrowed money without scruple. Under Coustantine advocates were proliticed, under penalty of being disbarred, from making any bargains with their clients for acquiring any portion of what they might gain by the lawsuit. Women were allowed to plead for act for others. Law was staught in schools about the same as at the present day. Under Justimian the students were obliged to study five years and pass a public examination. The lecturer gave an elaborate criticism of the principal Roman lawyers. Hortensius was a contemporary and rival of Cicero. He was a man of great memory, cicarness and accuracy, and possessed great grace in style. Asinius Polito was endowed with a great power of unpremeditated cloquence. If success was the eritorion of a great orator Cicero was the greatest, for he possessed the laculty of persuading to a romarkable degree. It might be safe to study him, but not to follow him.

While we may derive ma

with pertinent reasons and precise and well closed authorities. I should rather urge upon the advecte to reverse the rule of Cleero—elequence first and then some knowledge of the law—and insist that he should be learned in the law and practice and moderately elequent, more a dialoctician than a rheterician, and a man of business and judgment rather than of great and less discourse.

### A RELIC OF THE REBELLION.

The torpedo boat Midge was sold at auction at the navy yard, yesterday, the purchaser being James T. Powers & Co. The Midge, which is a cigar-shaped vessel, 45 leet long, brought but \$250. She was built by the Confederates, and when first launched went to the bottom with a crew of six men on board.

### MUNICIPAL NOTES.

Fire Commissioner John J. Gorman, Dock Commis sioner Vanderpoel and City Chamberlain Tappan were vesterday sworn into office by Mayor Ely.

Mr. E. B. Shafer has been appointed to codify all the city ordinances by Mayor Ely. It is essentially necessary that this work should be speedily accomplished, as nobody seems to know which ordinances are in force or which have been repealed.

The statesmen around the City Hall are now on the

The statesmen around the City Hall are now on the ragged edge as to the question whether or not Governor Robinson will sign the Omnibus bid. If it becomes a law it will materially interfere with the bread and butter of many a Tammany office-holder.

Corporation Attorney Boyd reports having paid \$538 to the Comptroller, penalties collected during the month of April for violation of city ordinances.

The tags and other paraphernalia necessary for issuing licenses to dog owners will be ready by ton o'clock on Monday moraing. Mr. D. S. Hart, chief of the Permit Bureau, in the basement of the City field will have charge of this matter.

It is not likely that Mayor Ely will nominate Commissioners for the Parks and Police in piace of Messrs, Martin and Erhardt until the week after next. It was yesterday runored that General McCiellan might be selected for Police Commissioner if the Mayor concluded to recede from his position as Io non-partisanship of that body.

ship of that body.

Comptroller Kelly will to-day sell the schoolship
Mercury at public auction in the new Court House.

The vessel is now lying at pier No. 1, North River.

## REAL ESTATE.

The following sales were made yesterday at the Ex-

e. s., 100 it, n. of 15th st. to George Abern, paintiff.

By HOWARD W. COATES.

Foreclosure sale—John E. Risley, referee—of a house, with let 25x100.5 s. s. of 47th st., 217 it. w. of 2d av., to Samuel Black, plaintiff.

By John T. ROYD.

Foreclosure sale—Thomas b. Feitner, referee—of a house, with lot 25x100, n. s. of East 104th st., 175 ft. w. of 3d av., to Eleanore E. Baldwin, plaintiff.

By A. H. RULLER AND SON.

Foreclosure sale—Engene H. Fomeroy, referee—of a house, with lot 18x7. s. s. of 12th st., 1441t. w. of 3d av., to E. A. Streeter, plaintiff.

7,000 3d av., c. s., 21 ft. n. of 126th st., 19 6x76; same to same ... 3d av., n. c. corner of 126th st., 21x76; same to same 3d av., c. s., 75.6 tt. n. of 126th st., 20.5x76; same to Sd av., a. e. corner of 126th st., 21876; same to same Sd av., e. 8, 73.0 tt. n. of 126th st., 20.5876; same to same Sd av., e. 8, 73.0 tt. n. of 126th st., 20.5876; same to same Tsh st., s. s. 123.6 ft. e. of Madison av., 30.02162.2; James M. Drake and wife to H. H. Drake. 22 av., e. e. 100 ft. n. of 55th st., 20203; Samuel G. Hull and wife to Mary A. Hull. Waterst. e. corner of Depoyater at., 18.7268.7; E. Hoffman and wife to R. G. Mitch. 160th st., n. s., 50 ft. of St. Ann av., 505,100 (234 ward); A. Kubin and husband to J. Friedericke 147th st., n. s. 150 ft. w. of 5t. Ann av., 505,100 (234 ward); Thomas it. Bodman(executor), to E. Druih 50th st., s., s. 160 ft. d. e. of 4th av., 18.181015; Jame Parker and husband to Heisen M. Whid. 1836 at., s., 830 ft. e. of 4th av., 20.818012; Union 1910 at. a. s. 20.818 at. a. d. 20.818 thaif part of); F. Wagner and wife to L. Hoffmeister. Main st., s. c. corner College av., 70x100 (234 ward); G. F. Smith (celerce to Mutual Life Mortis av., s. w. corner of Garden st., 25x100 (234 ward); s. Hall (referce to M. Carrello, 15x100, 1 11,500 1,054 15 650 7,500 3,000 650

4,000 50,000 100,000 5,000 6.500 5,000 5,000

MRS. NICHOLS' DIVORCE.

ANOTHER FEMALE WITNESS TESTIFIES AS TO THE FAMOUS RIDE AT NEWPORT

BRIDGEFORT, Conn., May 4, 1877,
The hearing in this case was resumed yesterday
morning by the introduction of evidence for the respondent, Mr. Nichols. The attendance of spectators the earlier part of the trial. At the opening of the Court a huge pile of depositions were thrown upen the table by counsel for Mr. Nichols, who began to crack the seals, antic 'red tape" and set them in order for presentation. The reputation of Nelson Ketchum, one of the principal witnesses introduced on the part of Mr. Nichols to sustain the allegations contained in the cross bill, and who was Mr. Lyman's sailing master in 1872, having been assuited and impeached by the testimony of several witnesses who know him well. the first item in the proceedings was to redeem his character from charges of untruthfulness. To effect character from charges of the Captain right in the eyes of the Court, the depositions of Charles T. Duryea, C. Jackson, A. H. Weeks, Charles Bishop, Andrew Jacobs and Ira Cakley, of Babyion; William

Duryea, C. Jackson, A. H. Weeks, Charles Bishop, Andrew Jacobs and Ira Oakley, of Babylon; William Beisore, A. S. Norton, Wilham S. Griffin and C. T. Rowland, of Islip, were read, all claiming to have had a more or less extensive and intimate acquaintance with Ketchum and bolicved fils reputation for truth and veracity to be good.

MRS. Nichols RIDES out WITH LYMAX.

Ella Mithonk, of Greenfield Hill, Conn., testified that she knows and has for many years known Mr. and Mrs. Nichols; she went on the excursion in 1869, on the yacht Coming, with Mr. and Mrs. Nichols, Miss Nichols and Rev. Mr. Sturges; they arrived at Newport on Monday in the week; the first night they all stayed on board the yacht, and on Tuesday night witness, Miss and Mrs. Nichols stopped at the Ocean House; they were at the hotel on Tuesday and Mr. Lyman was also there; witness stated that on Tuesday afternoon Mr. Lyman invited Mrs. Nichols and nerself to take a ride, and they accepted the invitation; he was to call for them about three o'clock, and as he drove up Mr. Nichols, his sisters and Mr. Sturges came up from the yacht; Mr. Nichols went on the plazza and sat down, and at the same time Mr. Lyman as in a basket phaeton waiting; he was disappointed in getting a two-seat carriage, as he intended, there being a great demand for teams that afternoon, and was obliged to take a ride with Mr. Lyman and he, snaking his head, answered "No." He was not present, witness testified, when the invitation for ride out was giver and accepted. On that evening Mrs. Nichols, Miss Nichols and winoss went to their room together, about half-past ten o'clock, but in a few minutes thoreafter the former went outsaying, as she did so, that she was going to look for a coral pin she had lost. Witness soon retired and stated that she could not say when Mrs. Nichols rater of a coral pin she had lost. Witness soon retired and stated that she could not say when Mrs. Nichols returned. She was there in the morning and that was all she knew about it. There was only one bed i

### A COAL WAR.

ATTEMPTS OF THE BALTIMORE AND OHIO BAIL-BOAD TO SUPPRESS TRAFFIC ON CANALS-BE-SULT, CHEAPER COAL FOR THE PEOPLE. CUMBERLAND, Md., May 3, 1877.

The great coal interest, which centres here and in the surrounding country, is just now very much ex-cited by the war that is being actively waged between the Baltimore and Ohio Railroad Company and the Chesapeake and Ohio Canal Company, whose canal operations extend from this point to Georgetown, Va. The origin of this imbrogito, which bids fair to terminate in something serious between the conflict ing elements, was an effort upon the part of the Baltimore and Ohio Company to make a grand gobble of the business of the canal company by making secret overtures of low freights to the various mining panies. When this treachery became known to F. A. Gorman, president of the Chesapeake and Ohio Cana Company, a courtoous note was sent to John W. Gar-rett, president of the Baitimore and Onio Railroad Company, asking for some arrangement for a just division of the trade and the fixing of such freight rates that would result in making the carrying of coal profitable to both the railroad and canal company, while reaching the competition from coal produces

profitable to both the railroad and canal company, while reaching the competition from coal produces elsewhere.

President Gorman's proposition was rather unceremoniously and uncourteously refused by the Baltimore and Ohio Company. President Gorman then determined that the canal company's business should be maintained against the combined opposition of the Baltimore and One Manicad Company and the interests co-operating with it. Every scheme that could be carried out to defeat the railroad corporation been adopted by the canal company, President Gorman having gone so far as to threaten to reduce the lailes of transportation on oan between Camberland and Georgets we to ten cents per ton.

The entreens of the coal country, and particularly in this immediate region (which is one of the most important and prolific coal and from producing courters in lavor of the Chesapeake and Ohio Canal Company, and aiready a meeting of prominent capitalists has been held at Westerntown to take steps for the building of a railroad to assist in the warfare against the Baltimore and Ohio Company.

It is understood that the latter corporation's object in the present movement is to bring the coal trade to the city of Baltimore as a help to its marine interests, as well as for the purpose of making that place the leading port for Cumberland coal shipments, and to attract the steamships to that city for cheap fuel, In the interest of the Baltimore and Ohio Company it is said President Garrett can transport coal while the trouble provails at an aimost entire loss, and depend upon the suspension of canalling in the winter to make good the losses during the season of mayigation. Just now the canal suffers from the disadvantage of having recreating the tweetern Mayland mining districts.

upon the suspension of canalling in the winter to make good the losses during the season of navigation. Just now the canal suffers from the disadvantage of having no railroad in the Western Maryland mining districts, the Baltimore and Ohio Railroad Company controlling the Cumberland and Pennsylvania road by its association with the Consolidation Cod Company, another corporation which is generally considered a monopoly in the coal regions of this State.

The impression is general among coal men that the war will have the effect of sending prices way down to annewar figures, and to perhaps lower rates. The miners' wages have been lowered to the very lowest notch, and should the trouble between the railroad and canal companies result in any further decrease of wages it is not improbable that a strike may occur in some of the regions. The rates for coal are constantly isling and the trade cenerally is becoming very mach demoralized, but it is believed the canal company will be able to hold its own in the fight and in the end become the victor, especially as it has the substantial assistance of the people.

# THE COAL RUMORS.

Cornelius F. Timpson, a broker, and Edward F. Brown, a lawyer, who, it may be remembered, were indicted by the Grand Jury of the General Sessions for indicted by the Grand Jury of the General Sessions for circulating, as alleged, certain reports in Wall street in connection with the Delaware and Hudson Canal Com-pany, were bailed yesterday. John A. Riston, of No. 39 West Thrity-lourth street, became beingman for Mr. Brown, and George Cecil, of the Windsor Hotel, went ball for Mr. Timpson. George W. Stow, an ac-countant, who was also indicted on a similar charge, has not yet appeared.

CUSTOM HOUSE INVESTIGATION.

WORK OF THE COMMISSION YESTERDAY-CLERKS FEES AND POLITICAL ASSESSMENTS.

The last session for this week of the Custom House Commission was held yesterday. Mr. Jay read the following letter, received from the Secretary of the Troasury:-TREASURY DEPARTMENT, )
OFFICE OF THE TREASURER,
ASHINGTON, D. C., May 3, 1877.

Washington, D. C., May 3, 1877. )

Hon, Jong Jay, Chairman:—

Sin—I transmit herewith for the consideration of your
commission a copy of a letter received by me from Samuel
Weich & Co., Eoston, complaining of illegal exactions of
fees and perquisites by employes of the New York Custom
House.

JOHN SHERMAN,
Secretary of the Treasury.

The enclosure spoken of was as follows. It was

read and passed over without comment :read and passed over without comment:

May we ask that the commission on New York Custom House may be directed to inquire why bills of saic of vessel property that have been regularly registered at the home port should be compelled to pay tue fee over again there, which is not required at any other Custom House? Also why clerks should be allowed to receive fees for turnishing prompt returns of expose landed at that city!

SAMUEL WELUI & CO., Boston, Mass.

Mr. Wynkoop, Deputy Collector of the Fourth

division, was called and duly sworn. Mr. Robinson read the letter of Messrs. Weich & Co. to him and asked what ground there was for such allegations. In answer Mr. Wynkoop replied that such a practice did not exist, and no tee is ever charged on the sale of a vessel registered at the home port unless the old register has to be surrendered and a new one taken out. ter has to be surrendered and a new one taken out.
As this requires the work to be done over again it is
no more than just that a fee be paid therefor. No bills
of sale are recorded in New York of vessels placed of
record at Boston, unless, as stated before, the ownership is changed, and then a new register is insued.
Collector Artur, who was present, said that the
charge was frivolous and without the slightest foundation. The Collector would not issue a reregister
unless the property changed hands, which necessitated a proper saleguard to be taken out by the new
owners.

owners.

As Mr. Robinson was compelled to leave last night for Washington no meeting will be held to-day, and further proceedings have been adjourned until Monday alternoon.

Several witnesses who have already been examined by this commission textified to the payment of assessments for positical purposes. Mr. Bausch said on his lirst interrogation that these payments were made to the late Appraisar. This statement, however, he corrected the next day in a letter

[CONTINUED ON NINTH PAGE 1